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District of Arizona

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

\$5,200.00 in United States Currency,

Defendant.

**VERIFIED COMPLAINT FOR
FORFEITURE *IN REM***

Plaintiff United States of America brings this complaint and alleges as follows in accordance with Rule G(2) of the Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions:

BASIS FOR FORFEITURE

1. This is a civil action *in rem*, brought to enforce the provision of 21 U.S.C. § 881(a)(6) for the forfeiture of property which represents money or other things of value furnished or intended to be furnished by a person in exchange for a controlled substance, proceeds traceable to such an exchange, and money used or intended to be used to facilitate a violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*

2. This is a civil action *in rem*, brought to enforce the provision of 18 U.S.C. § 981(a)(1)(A) and (C) for the forfeiture of property because it was involved in a

1 transaction or attempted transaction in violation of a money laundering offense or any
2 property traceable to such property, and because it constitutes or is derived from
3 proceeds traceable to a violation of, among other things, 21 U.S.C. § 841.

4 JURISDICTION AND VENUE

5 3. This Court has jurisdiction because the United States commenced this
6 action and because it seeks forfeiture. 28 U.S.C. §§ 1345, 1355(a). Venue is proper in
7 this District because acts or omissions giving rise to forfeiture occurred in this District
8 and because the defendant property is located in this District. 28 U.S.C. §§ 1355(b),
9 1395(b).

10 DEFENDANT IN REM

11 4. The Defendant is \$5,200.00 in United States currency (“defendant
12 property”) seized on June 21, 2018. The defendant property is in the custody of the
13 United States Postal Inspection Service.

14 BACKGROUND

15 5. On June 20, 2018, Postal Inspectors from the Phoenix Division of the
16 United States Postal Inspection Service (USPIS) removed suspicious Priority Express
17 Mail parcel from the mail stream at the Phoenix Processing Service and Distribution
18 Center after it was identified as bearing certain characteristics associated with the
19 mailing of illegal drugs and/or illegal drug proceeds.

20 6. Priority Express Mail parcel EL677742045US, postmarked June 19, 2018,
21 was addressed to “Bianca Jones, 8422 W. Jefferson, Peoria, AZ 85345,” and bore a
22 return address of “Johnnie Jones, Ridge Rd, Centralia, IL 62801.” (the “Subject Parcel”).

23 7. The Subject Parcel was a white Priority Mail Express flat rate envelope
24 that measured 12.5” x 9.5”, weighed approximately 10 ounces and had \$24.70 in postage
25 affixed to it.

26 8. Postal Inspectors know through training and experience that drug
27 traffickers often use the U.S. Mail to transport controlled substances and/or proceeds
28 from the sale of controlled substances to areas throughout the United States. Traffickers

1 prefer mail/delivery services such as Express Mail and Priority Mail because of their
2 reliability and the ability to track the article's process to the intended delivery point.
3 When a drug trafficker learns that a mailed article has not arrived as scheduled, he/she
4 becomes suspicious of any delayed attempt to deliver the item.

5 9. Postal Inspectors are aware that the State of Arizona is a source location
6 for controlled substances based on its close proximity to the border between the United
7 States and Mexico. Controlled substances are frequently transported from Arizona via
8 USPS, and the proceeds from the sale of controlled substances are frequently returned to
9 Arizona via USPS.

10 10. Based on their training and experience regarding Express Mail operations,
11 U.S. Postal Inspectors are aware that the Express Mail service was designed primarily to
12 fit the needs of businesses by providing overnight delivery for time-sensitive materials.

13 11. Postal Inspectors, who specialize in investigations relating to the mailing
14 of controlled substances, know it is common for drug traffickers to use names not
15 associated with an address or fictitious names and addresses to evade detection by law
16 enforcement.

17 12. Postal Inspectors identified the following suspicious characteristics
18 attributable to the Subject Parcel:

- 19 a) Legitimate businesses typically use pre-printed labels when mailing
20 Express Mail, while narcotics traffickers typically hand write their
21 labels. The Subject Parcel contains a label with handwritten address
22 information and is addressed from one individual to another individual;
23 b) Corporate charge accounts were developed by the United States Postal
24 Service to avoid time-consuming cash payments by businesses for
25 business mailings. The handwritten label on Subject Parcel does not
26 contain a business account number, thereby indicating that the sender
27 likely paid cash;
28

- 1 c) Individuals, without criminal histories, often are used to receive parcels
2 containing cash or money orders (proceeds of the sale of controlled
3 substances) or contraband for a fee or as a favor on behalf of the actual
4 perpetrator;
- 5 d) The Subject Parcel was destined and originated from an area known to
6 be a frequent destination and origination point for controlled
7 substances, having been mailed from an area known to be a source for
8 controlled substances; and,
- 9 e) The Subject Parcel was sent via Express Mail next-day service. The
10 USPS provides a tracking service with Express Mail through a USPS
11 tracking number, which allows the customer to track the parcel and
12 confirm delivery.

13 13. Utilizing law enforcement databases, Postal Inspectors (Inspectors)
14 conducted research on the Subject Parcel's delivery address, 8422 W. Jefferson, Peoria,
15 AZ 85345 (the "delivery address"). Inspectors learned the destination address for the
16 Subject Parcel was an existing, deliverable address, and Bianca Jones (BIANCA) was
17 associated with the address.

18 14. The Postal carrier informed Inspectors BIANCA Jones was known to
19 receive mail at address 8422 W. Jefferson, Peoria, AZ 85345.

20 15. Research on the Subject Parcel return address. The return address was an
21 insufficient address, but a search of "Jones" and "Ridge Rd., Centralia IL 62801"
22 revealed the last name "Jones" did associate with address 58 Ridge Drive, Centralia, IL
23 62801.

24 16. The first name "Johnnie" did not associate with the Ridge Rd. address.

25 17. Research revealed a change of address, effective February 25, 2018,
26 forwarding mail for Mr. Jones from 44 Edgewood Ln S., Centralia, IL to 47 Ridge Rd.,
27 Centralia, IL.

1 18. Law enforcement research on BIANCA revealed prior arrests for
2 Possession/Use-Marijuana and Possess/Use-Narcotic Drug.

3 19. According to the Maricopa County Superior Court minutes dated January
4 26, 2012, BIANCA Jones was accepted into the Deferred Prosecution Program and the
5 prosecution was suspended.

6 **June 20, 2018, Canine Examination of the Subject Parcel**

7 20. On June 20, 2018, Inspectors met with Phoenix Police Department
8 Detective/Canine Handler Elizabeth Poole and her canine "Zadie" at the Postal
9 Inspection Service Headquarters in Phoenix, Arizona, located at 111 West Monroe
10 Street, Phoenix, Arizona 85003.

11 21. Detective Poole advised she is a Phoenix Police Department Officer
12 currently assigned to the handling and care of Phoenix Police Department canine
13 "Zadie."

14 22. Detective Poole has been a police officer for 22 years, 17 of which were as
15 a detective assigned to drug enforcement.

16 23. Narcotic canine Zadie is a four-year old Labrador/Pointer mix, who has
17 been working narcotics detection for the Phoenix Police Department since October
18 2015.

19 24. Zadie and Detective Poole are currently certified with the National
20 Certification in narcotics detection by the National Police Canine Association, and last
21 certified January 2018.

22 25. Detective Poole's certifications include the completion of a 160-hour
23 canine certification course put on by Waddell Kennels located in Arizona.

24 26. Zadie is trained and certified to detect the odors of cocaine, marijuana,
25 heroin, methamphetamine, and their derivatives.

26 27. Detective Poole advised that Zadie has had over 100 successful finds of
27 controlled substances, both training finds and finds that have contributed to active
28 investigations.

1 28. Zadie is a sophisticated drug dog. *See United States v. \$132,245.00 in*
2 *U.S. Currency*, 764 F.3d 1055, 1059 (9th Cir. 2014).

3 29. On June 20, 2018, Detective Poole and Zadie conducted an inspection of
4 the Subject Parcel.

5 30. At approximately 1:25 P.M., Detective Poole advised Inspectors that Zadie
6 presented a positive alert to the Subject Parcel by scratching at the Subject Parcel and
7 then sitting next to the Subject Parcel.

8 31. Detective Poole described this as a “passive” alert that Zadie had been
9 trained to give.

10 32. Detective Poole informed Inspectors that the “passive” alert given by
11 Zadie indicates the presence of narcotics or a controlled substance, currency, notes,
12 documents or evidence bearing the presence of the odors of heroin, cocaine, marijuana
13 and/or methamphetamine within the Subject Parcel.

14 33. On June 21, 2018, Inspectors obtained and executed a federal search
15 warrant on Priority Express envelope, EL677742045US.

16 34. Upon execution of a search warrant on the subject envelope, Inspectors
17 discovered a white padded envelope addressed to “Bianca Jones, 8422 W. Jefferson St.,
18 Peoria, AZ 85345” and bore a return address of “Johnnie Jones, 44 Ridge Rd., Centralia,
19 IL 62801.”

20 35. Housed inside the padded envelope was a green “Straight Talk Wireless”
21 cardboard box for a “ZTE ZFIVE C” cell phone.

22 36. Concealed inside the box were four (4) bundles of U.S. currency totaling
23 \$5,200.

24 37. There were no notes, receipts or instructions in the Subject Parcel.

25 38. Inspectors know from training and experience that individuals who traffic
26 in controlled substances rarely include any type of receipt or instruction with the
27 proceeds.
28

39. Legitimate businesses or personal gifts include notes, letters, receipts, cards or coupons with cash or monetary instruments in a package.

40. There is a known trend where narcotic traffickers often secrete cash or money orders between the pages of a newspaper or magazine in an effort to disguise the cash or money orders and prevent their detection.

41. Inspectors know from training and experience that narcotics traffickers will often secrete or conceal narcotics proceeds within cardboard boxes in an attempt to avoid the detection of narcotics odors by a trained narcotics canine.

42. The currency in the Subject Parcel consisted of thirty-five \$20 bills. Narcotics traffickers are known to use low denomination currency to conduct their business. Inspectors have found that in most cases narcotics payments are primarily in twenty-dollar denominations.

43. The currency in the Subject Parcel is consistent with narcotics trafficking. The following represents a breakdown of the currency seized.

<u>Number of Bills</u>	<u>Denomination</u>	<u>Amount</u>
40	\$100.00	\$4,000.00
10	\$ 50.00	\$ 500.00
35	\$ 20.00	\$ 700.00
Total		\$5,200.00

Corina's Couture, LLC

44. Arizona Corporation Commission records indicate BIANCA Jones is the Statutory Agent for the business, Corina's Couture, LLC.

45. Corina's Couture, LLC, was incorporated on February 16, 2018, and the address of record showed 8422 W. Jefferson St., Peoria, Arizona 85345.

46. Research conducted for social media accounts associated with the business, Corina's Couture, LLC, identified a Facebook page for the business created on August 28, 2017.

1 47. A second social media account on Instagram was located under the
2 username corinas_couture.

3 48. Between the two social media accounts, there were photographs of four
4 different outfits posted. A URL of www.corinascouture.com was listed on the Instagram
5 page. However, when the URL is clicked, an error message indicates the webpage does
6 not exist.

7 **Addressee BIANCA and Corina's Couture, LLC Wage Report**

8 49. On September 11, 2018, a wage report was conducted for the past 3 years
9 through the Arizona Department of Economic Security on BIANCA and it indicated
10 BIANCA was employed by Garden House, Inc., from the first quarter of 2015 though
11 the third quarter of 2017.

12 50. BIANCA Jones reportedly earned \$21,960.52 in 2017, \$34,777.67 in 2016
13 and \$26,636.27 in 2015.

14 51. On September 12, 2018, a business wage report was conducted through the
15 Arizona Department of Economic Security for the business, Corina's Couture, LLC.

16 52. Records indicated there was no reported wages for the business from the
17 third quarter of 2017 through the second quarter of 2018.

18 53. Law enforcement research conducted on BIANCA for vehicles registered
19 to her in the State of Arizona revealed BIANCA was the registered owner of three
20 vehicles: a 1995 Chevrolet, 2007 Ford and 2008 Dodge Charger.

21 **Johnnie JONES's Criminal History**

22 54. A check of federal, state, and local law enforcement indices revealed that
23 Johnnie A. JONES had a criminal history in Illinois and Missouri, which included:

24 55. In February 2005, JONES was charged with sell conspiracy under
25 18/dangerous drugs (disposition unknown), possession of cannabis/marijuana possess
26 (disposition unknown) and manufacture/deliver cocaine/sch/pub hs/pk/dangerous drugs
27 charge amended/reduced manufacture/deliver controlled substance. JONES was found
28 guilty.

1 56. In July 2006, JONES was charged with manufacture/deliver control
2 substance/dangerous drugs/drugs conspiracy (disposition unknown), possession
3 controlled substance/dangerous drugs/drug conspiracy (dismissed), possess cannabis 2.5
4 grams/drug conspiracy/marijuana possess (disposition unknown), sell conspiracy under
5 18 (4-6 years imprisonment), and manufacture/deliver control substance (10 years
6 imprisonment).

7 57. In July 2007, JONES was charged with distribute/deliver/manufacture
8 controlled substance. JONES was found guilty and sentenced to 5 years confinement.

9 **BIANCA Jones's Criminal History**

10 58. A check of federal, state, and local law enforcement indices revealed that
11 BIANCA Jones had a criminal history in Arizona, which included:

12 59. In July 2011, BIANCA was charged with marijuana possess/use (court
13 dismissal and narcotic drug possess/use (no complaint filed).

14 **Administrative Claim by Bianca Jones**

15 60. On August 3, 2018, USPIS mailed notice letters to all known interested
16 parties with a claim deadline of September 7, 2018, and a petition deadline of September
17 27, 2018.

18 61. BIANCA identified herself as the owner of the seized property and she
19 stated the money was intended for her family business vehicle.

20 62. On or about September 2, 2018, the USPIS received a Claim Form from
21 BIANCA, dated September 2, 2018.

22 63. On or about September 4, 2018, USPIS reviewed the correspondence and
23 accepted it as a claim.

24 64. On September 18, 2018, USPIS mailed a letter via First class mail and
25 Certified Mail Return Receipt to BIANCA requesting additional information related to
26 her claim.

27 65. The letter requested a response deadline of 10 days from the receipt of the
28 mailing.

1 66. Postal records revealed the First Class letter was delivered to BIANCA
2 Jones, 8422 W. Jefferson St., Peoria, AZ on September 20, 2018 with a response
3 deadline of October 1, 2018.

4 67. BIANCA did not provide the documentation requested by USPIS.

5 68. The certified letter to BIANCA was returned to USPIS on October 16,
6 2018, marked "unclaimed."

7 **Prior Express Mail Seizures Associated with Johnnie Jones and BIANCA Jones**

8 **October 2013 Seizure of \$21,050**

9 69. Since October 2013, Inspectors identified approximately twelve (12)
10 suspicious mailings believed to be related to the investigation.

11 70. All of the mailings, except one, originated in Centralia, Illinois and were
12 delivered to addresses in Peoria and Phoenix, Arizona that were associated with
13 BIANCA.

14 71. Inspectors believe the mailings contained narcotics and/or narcotics
15 proceeds based on the characteristics of the mailings: origin, destination, similar
16 addresses, waiver of signature, size and weight.

17 72. In October 2013, Inspectors from the Phoenix Division began investigating
18 individuals believed to be trafficking in narcotics and/or narcotics proceeds via the U.S.
19 mail between Phoenix, Arizona and Centralia, Illinois.

20 73. On or about October 23, 2013, Inspectors intercepted an Express Mail
21 parcel addressed to "Tracy Jones, 4815 N. 48th St., Phoenix, AZ 85031" with a return
22 address of "Johnnie Jones, 1848 Lackey Ln, Centralia, IL 62801."

23 74. A trained narcotics detection canine from the Peoria Police Department
24 examined the mailing and alerted to the presence and/or odors of controlled substances
25 on or within the mailing.

26 75. Inspectors obtained and executed a federal search warrant on the mailing,
27 which revealed \$21,050.00 in U.S. currency.

28 76. The currency was concealed inside a pair of tennis shoes.

1 77. There were no claims or petitions filed.

2 78. The property was administratively forfeited to the United States
3 Government on September 10, 2015.

4 **November 30, 2013 Seizure of \$16,800**

5 79. On or about November 30, 2013, Inspectors intercepted a second Express
6 Mail parcel related to the investigation.

7 80. The parcel was addressed to "Donte Jones, 3815 N. 48th Dr., Phoenix, AZ
8 85031" with a return address of "Johnnie Jones, 1884 Lackey Lane, Centralia, IL
9 62801."

10 81. A trained narcotics detection canine from the Peoria Police Department
11 examined the mailing and alerted to the presence and/or odors of controlled substances
12 on or within the mailing.

13 82. Inspectors obtained and executed a federal search warrant on the mailing,
14 which revealed \$16,800 in U.S. currency.

15 83. Upon execution of the search warrant, Inspectors found the currency
16 concealed under paper towels.

17 84. There were no claims or petitions filed.

18 85. The property was administratively forfeited to the United States
19 Government on July 23, 2015.

20 **FIRST CLAIM FOR RELIEF**

21 The defendant property represents money or other things of value furnished or
22 intended to be furnished by a person in exchange for a controlled substance, proceeds
23 traceable to such an exchange, and money used or intended to be used to facilitate a
24 violation of Title II of the Controlled Substances Act, 21 U.S.C. § 801, *et seq.*, and
25 therefore is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

26 **SECOND CLAIM FOR RELIEF**


27 The defendant property was involved in a transaction or attempted transaction in
28 violation of a money laundering offense or any property traceable to such property, and

1 it constitutes or is derived from proceeds traceable to a violation of, among other things,
2 21 U.S.C. § 841, and is, therefore subject to forfeiture to the United States pursuant to 18
3 U.S.C. §§ 981(a)(1)(A) and (C).

4 WHEREFORE, the United States of America prays that process of warrant *in*
5 *rem* issue for the arrest of the defendant property; that judgment be entered declaring the
6 defendant property be forfeited to the United States of America for disposition according
7 to law; and that the United States of America be granted such other and further relief as
8 this Court deems just and proper, together with the costs and disbursements of this
9 action.

10 DATED this 27 day of November, 2018.

11 ELIZABETH A. STRANGE
12 First Assistant United States Attorney
13 District of Arizona

14 
15 MARK J. WENKER
16 Assistant United States Attorney

17 **NOTICE TO ANY POTENTIAL CLAIMANT**

18 YOU ARE HEREBY NOTIFIED that if you assert an interest in the subject
19 property and want to contest the forfeiture, you must file a verified claim that fulfills the
20 requirements set forth in Fed. R. Civ. P. Supp. G. To avoid entry of default, a verified
21 claim must be filed no later than thirty-five days from the date this Complaint has been
22 sent in accordance with Fed. R. Civ. P. Supp. G(4)(b).

23 An answer or motion filed under Fed. R. Civ. P. 12 must also be filed no later
24 than twenty-one days after filing the claim. The claim and answer must be filed in the
25 United States District Court for the District of Arizona under the case number listed in
26 the caption above and a copy must be served upon Mark J. Wenker, Assistant United
27 States Attorney, at the address provided in this Complaint.
28

1 This notice provision does not provide you with any legal advice and is designed
2 only to provide you with a general understanding of these proceedings. Any statements
3 made in your claim or answer may be introduced as evidence against you in any related
4 or future criminal case. You should consult an attorney to represent your interests in this
5 matter, and note that a stay of proceedings may be available under 18 U.S.C. §
6 981(g)(2).

7 IF YOU ARE A VICTIM, and have sustained economic loss as a result of the
8 crime(s) giving rise to this civil action, you may be entitled to petition for remission,
9 mitigation, or restoration under Title 28, Code of Federal Regulations ("C.F.R."), section
10 9.2. In lieu of filing a Claim with the Court, you may promptly submit a letter outlining
11 your interest in the property to Mark J. Wenker, Assistant United States Attorney.
12 Plaintiff will notify you when it has received your letter, and further instructions may be
13 provided upon conclusion of this action. The United States Attorney General shall have
14 sole responsibility for disposing of petitions for remission or mitigation with respect to
15 property involved in a judicial forfeiture proceeding under 18 U.S.C. § 981(d) and 21
16 U.S.C. § 881(d). If your status as a victim is contested, timely receipt of your letter will
17 not shield you from entry of default for failing to file a proper claim with the Court.

18 IF YOU ARE A LIENHOLDER, it is the policy of the United States Attorney's
19 Office to honor all claims received from legitimate titled lienholders as defined under 28
20 C.F.R. § 9.2. In lieu of filing a claim with the Court, you may send a letter to Mark J.
21 Wenker, Assistant United States Attorney, outlining your interest in the property,
22 including: (1) the amount presently owed on the lien; (2) a copy of the security
23 agreement setting forth your interest; and, (3) whether the owner is in default. If your
24 lien is sufficient, Plaintiff will notify you to verify receipt of your letter. In the event of
25 forfeiture, and to the extent practicable, proceeds from the sale and disposition of the
26 subject property will be remitted to you in satisfaction of the lien. As noted above,
27 timely receipt of your letter will not shield you from entry of default for failing to file a
28 proper claim with the Court.

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff
(s): **United States of America**

County of Residence: Maricopa

County Where Claim For Relief Arose: Maricopa

Defendant \$5,200.00 in United States
(s): **Currency**

County of Residence: Maricopa

Plaintiff's Atty(s):

**Mark J. Wenker , Assistant United States
Attorney
United States Attorneys Office
40 N Central Ave., Ste. 1800
Phoenix, Arizona 85004
602-514-7500**

Defendant's Atty(s):

II. Basis of Jurisdiction: **1. U.S. Government Plaintiff**

III. Citizenship of Principal
Parties (Diversity Cases Only)

Plaintiff:- N/A

Defendant:- N/A

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **625 Drug Related Seizure of Property 21 USC 881**

VI. Cause of Action: **Forfeiture of property to the U.S. pursuant to 21 U.S.C. § 881(a)
(6), 18 U.S.C. § 981(a)(1)(A) and (C).**

VII. Requested in Complaint

Class Action: No

Dollar Demand: **\$5,200**

Jury Demand: **No**

VIII. This case is not related to another case.

Signature: S/ Mark J. Wenker

Date: 11/27/2018

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014

VERIFICATION

I, Andrea Brandon, verify and declare under penalty of perjury that, I am a Postal Inspector with the United States Postal Inspection Service, that I have read the foregoing Complaint for Forfeiture *In Rem* and know the contents, and that the matters contained in the Complaint are true to my own knowledge, except that those matters alleged upon information and belief and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case.

I verify and declare under penalty of perjury that the foregoing is true and correct.

Executed on this 27th day of November, 2018.



Andrea Brandon, Postal Inspector
United States Postal Inspection Service